

# *Austria*

## COMMERCE AND NAVIGATION

*Treaty signed at Washington August 27, 1829*

*Senate advice and consent to ratification February 10, 1830*

*Ratified by the President of the United States February 11, 1830*

*Ratified by Austria May 26, 1830*

*Ratifications exchanged at Washington February 10, 1831* <sup>2</sup>

*Entered into force February 10, 1831*

*Proclaimed by the President of the United States February 10, 1831*

*Articles X and XI supplemented by convention of May 8, 1848* <sup>3</sup>

*Not revived after World War I* <sup>4</sup>

8 Stat. 398; Treaty Series 7 <sup>5</sup>

### TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE EMPEROR OF AUSTRIA

The United States of America, and His Majesty the Emperor of Austria, King of Hungary and Bohemia, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, of extending, also, and consolidating the commercial intercourse between them, and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both countries, have, in consequence, agreed to

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<sup>1</sup> See also AUSTRIA-HUNGARY, *post*, p. 429.

<sup>2</sup> On Feb. 3, 1831, the Senate gave its advice and consent to the exchange of ratifications "notwithstanding the expiration of the time designated in the said Treaty for the exchange of the ratifications thereof" (see art. XIII).

<sup>3</sup> TS 8, *post*, p. 207.

<sup>4</sup> See art. 241 of Treaty of St. Germain-en-Laye signed Sept. 10, 1919 (*post*, p. 277), the benefits of which were secured to the United States by the treaty establishing friendly relations dated Aug. 24, 1921 (TS 659, *post*, p. 215).

<sup>5</sup> For a detailed study of this treaty, see 3 Miller 507.

enter into negotiations for the conclusion of a Treaty of Commerce and Navigation, for which purpose the President of the United States has conferred Full Powers on Martin Van Buren, their Secretary of State; and His Majesty the Emperor of Austria has conferred like Powers on Lewis Baron de Lederer, His said Majesty's Consul for the port of New York, and the said Plenipotentiaries having exchanged their said Full Powers, found in good and due form, have concluded and signed the following Articles.

#### ARTICLE I

There shall be between the Territories of the High Contracting Parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports places and rivers of the Territories of each Party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their commercial affairs; and they shall enjoy, to that effect, the same security, protection and privileges as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

#### ARTICLE II

Austrian vessels arriving, either laden or in ballast, in the ports of the United States of America; and, reciprocally, vessels of the United States arriving, either laden, or in ballast, in the ports of the dominions of Austria, shall be treated on their entrance, during their stay and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage and port-charges, as well as to the fees and perquisites of public officers, and all other duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local Authorities, or of any private establishment whatsoever.

#### ARTICLE III

All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the dominions of Austria, in Austrian vessels, may also be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local Authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Austrian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the dominions of Austria, or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may also be so imported in Austrian vessels,

without paying other or higher duties or charges, of whatever kind or denomination levied in the name, or to the profit of the Government, the local Authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

#### ARTICLE IV

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding Articles, are, to their full extent, applicable to Austrian vessels and their cargoes, arriving in the ports of the United States of America; and, reciprocally, to vessels of the said States and their cargoes arriving in the ports of the dominions of Austria, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

#### ARTICLE V

No higher or other duties shall be imposed on the importation into the United States, of any article the produce or manufacture of the dominions of Austria; and no higher or other duties shall be imposed on the importation into the dominions of Austria, of any article the produce or manufacture of the United States, than are, or shall be payable on the article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of the dominions of Austria, to or from the ports of the United States, or to or from the ports of the dominions of Austria, which shall not equally extend to all other Nations.

#### ARTICLE VI

All kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported, or re-exported from the ports of the said United States, in national vessels, may also be exported, or re-exported therefrom in Austrian vessels, without paying other, or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local Authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported or re-exported in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the dominions of Austria, so that all kind of merchandise and articles of commerce either the produce of the soil or of the industry of the said dominions of Austria, or of any other country, which may be lawfully exported or re-exported, from Austrian ports, in national vessels, may also be exported or re-exported therefrom, in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the

name or to the profit of the Government, the local Authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported, or re-exported, in Austrian vessels.

And the same bounties and drawbacks shall be allowed, whether such exportation be made in vessels of the one Party, or of the other.

#### ARTICLE VII

It is expressly understood and agreed that the coastwise navigation of both the Contracting Parties, is altogether excepted from the operation of this Treaty, and of every Article thereof.

#### ARTICLE VIII

No priority or preference shall be given, directly or indirectly, by either of the Contracting Parties, nor by any company, corporation or Agent, acting on their behalf or under their authority, in the purchase of any article of commerce, lawfully imported, on account of, or in reference to the character of the vessel, whether it be of the one Party or of the other, in which such article was imported, it being the true intent and meaning of the Contracting Parties that no distinction or difference whatever shall be made in this respect.

#### ARTICLE IX

If either Party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other Party, freely, where it is freely granted to such other nation, or on yielding the same compensation when the grant is conditional.

#### ARTICLE X<sup>o</sup>

The two Contracting Parties hereby reciprocally grant to each other, the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such Consuls shall exercise commerce, they shall be subjected to the same laws and usages to which the private individuals of their nation are subject in the same place, in respect to their commercial transactions.

#### ARTICLE XI<sup>o</sup>

The Citizens or Subjects of each Party shall have power to dispose of their personal goods, within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being citizens or subjects of the other Party, shall succeed to their personal goods, whether by testament, or *ab intestato*, and may take possession thereof, either by themselves or by

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<sup>o</sup> Supplemented by convention of May 8, 1848 (TS 8), *post*, p. 207.

others acting for them, and dispose of the same at their will, paying such dues, taxes or charges only, as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if any question should arise among several claimants, to which of them said goods belong, the same shall be decided finally by the laws and Judges of the land wherein the said goods are. But this Article shall not derogate, in any manner, from the force of the laws already published, or hereafter to be published by His Majesty the Emperor of Austria, to prevent the emigration of his Subjects.

#### ARTICLE XII

The present Treaty shall continue in force for ten years, counting from the day of the exchange of the Ratifications; and if twelve months before the expiration of that period, neither of the High Contracting Parties shall have announced by an official notification to the other, its intention to arrest the operation of said Treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification whatever the time at which it may take place.

#### ARTICLE XIII

This Treaty shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof; and by His Majesty the Emperor of Austria; and the Ratifications shall be exchanged in the City of Washington, within twelve months from the date of the signature hereof, or sooner, if possible.<sup>7</sup>

In faith whereof the respective Plenipotentiaries have signed and sealed this Treaty, both in the English and German languages, declaring, however, that, it having been originally composed in the former, the English version is to decide the interpretation, should any difference in regard to it unfortunately arise.

Done in triplicate, at Washington, this twenty seventh day of August, in the year of Our Lord one thousand eight hundred and twenty nine.

M. VAN BUREN [SEAL]

ALS. FREYHERR VON LEDERER [SEAL]

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<sup>7</sup> See footnote 2, p. 202.